

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

GLEN CRAIG,

Plaintiff,

- against -

VICE MEDIA LLC

Defendant.

Docket No. 1:18-cv-1061

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Glen Craig (“Craig” or “Plaintiff”) by and through his undersigned counsel, as and for his Complaint against Defendant Vice Media LLC (“Vice” or “Defendant”) hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of a copyrighted photograph of American musician Scott Asheton best known as the drummer for the rock band the Stooges, owned and registered by Craig, a professional music photographer. Accordingly, Craig seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

JURISDICTION AND VENUE

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or transacts business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Craig is a professional music photographer in the business of selling and licensing his photographs for fee having a usual place of business at 30-60 Crescent Street, Spt. 2C, Astoria, New York 11102. Craig has won numerous awards including Leica's Photo Kina's Top Photographer Award in 2014 and his work has appeared in galleries around the world.

6. Upon information and belief, Vice is a foreign limited liability company duly organized and existing under the laws of the State of Delaware, with a place of business at 49 South 2nd Street, Brooklyn, New York 11211. Upon information and belief, Vice is registered with the New York Department of State, Division of Corporations to do business in the State of New York. At all times material, hereto, Vice has owned and operated a website at the URL: www.Vice.com (the "Website").

STATEMENT OF FACTS

A. Background and Plaintiff's Ownership of the Photograph

7. Craig photographed American musician Scott Asheton best known as the drummer for the rock band the Stooges (the "Photograph"). A true and correct copy of the Photograph is attached hereto as Exhibit A.

8. Craig is the author of the Photograph and has at all times been the sole owner of all right, title and interest in and to the Photograph, including the copyright thereto.

9. The Photograph was registered with the United States Copyright Office and was given registration number VAu 1-265-352.

B. Defendant's Infringing Activities

10. Vice ran an article on the Website entitled *Scott Asheton, Iggy Pop's Brother in Noise*. See https://www.vice.com/en_us/article/wd4j4z/scott-asheton-iggy-pops-brother-in-noise. The article prominently featured the Photograph. A true and correct copy of the article and a screen shot of the Photograph on the article are attached hereto as Exhibit B.

11. Vice did not license the Photograph from Plaintiff for its article, nor did Vice have Plaintiff's permission or consent to publish the Photograph on its Website.

12. Vice has a history of infringing Craig's photographs. In 2016, Craig filed a copyright infringement claim against Vice for using another one of Craig's photographs without permission. See *Craig v. Vice Media LLC* (1:16-cv-4967-FB-CLP)

CLAIM FOR RELIEF
(COPYRIGHT INFRINGEMENT AGAINST VICE)
(17 U.S.C. §§ 106, 501)

13. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-12 above.

14. Vice infringed Plaintiff's copyright in the Photograph by reproducing and publicly displaying the Photograph on the Website. Vice is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photograph.

15. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

16. Upon information and belief, the foregoing acts of infringement by Vice have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

17. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Vice be adjudged to have infringed upon Plaintiff's copyrights in the Photograph in violation of 17 U.S.C §§ 106 and 501;
2. Plaintiff be awarded Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photograph;
3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded pre-judgment interest; and
5. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York
February 19, 2018

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